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31 MAY 1955

MEMORANDUM FOR: Deputy Director (Support)

SUBJECT : Execution of Agreement by Personnel Accepting Overseas Assignment

REFERENCES : (a) Memorandum for Director of Personnel, Director of Security, General Counsel, from the Deputy Director (Support), subject as above, dated 18 January 1955  
 (b) Memorandum for General Counsel, from the Director of Personnel, subject as above, dated 1 March 1955  
 (c) Memorandum for Director of Personnel, from the Office of the General Counsel, subject: Restriction of Residence of Former Employees, dated 21 March 1955

1. Reference (c), received in the Office of Personnel on 18 May 1955, discusses the legal issues involved in requiring personnel accepting overseas assignments to sign an agreement which would restrict them from accepting private employment in the foreign area of assignment, in the event their services with CIA are terminated for any reason. The agreement was prepared by this Office in accordance with your request (Reference (a)).

2. In the opinion of the Office of the General Counsel, the proposed agreement "would be unenforceable as between the Government and even one of its key employees as being an unreasonable limitation on his personal freedom and as being a restriction wider than any reasonably necessary protection in that it can not be presumed that the mere presence of the person concerned, however well behaved, would result in embarrassment." The opinion further states that any agreement by an employee not to reside (or accept employment) in a given country would not exclude those willing to break an agreement but it would seriously impair the morale of those likely to honor such agreements.

3. Since the legal complications would appear to preclude the use of a formal agreement, in this respect, this Office suggests that consideration be given to covering the subject in the security briefing and in the briefing by the appropriate area division concerned, when an individual is processed for departure overseas. Such action should impress upon the individual that the Agency looks with disfavor upon the acceptance of private employment in the area of assignment, following separation from CIA.

4. If you desire, this Office will prepare an Agency notice providing for the briefing of personnel relative to this problem.

Signed

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Harrison G. Reynolds  
 Director of Personnel

Attachments - Copies of References  
 (a) (b) (c)

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